

32. (Amended) The method of claim 27 comprising the step of controlling temperature of the sample.

33. (Amended) The method of claim 27 comprising the step of controlling pressure to which the sample is exposed.

39. (Amended) The method of claim 27 wherein during the controlling step, intensity of the sonic energy is controlled.

Please add new claim 47 as follows.

47. (New) The apparatus of claim 18 wherein the sensor monitors a mechanical occurrence.

REMARKS

Applicants hereby amend claims 28-30, 32, 33, and 39, and add new claim 47. A marked-up copy of the amended claims is attached at the end of this paper in accordance with 37 C.F.R. § 1.121(c)(1)(ii). Applicants submit no new matter has been added by these amendments.

Upon entry of this paper, claims 1, 2, 4-7, 17-18, 23-30, 32-33, 35, 39, 43-47 will be pending.

Requirement to Restrict / Elect Species

The Office Action indicates that the application contains claims directed to five species of the invention, and requires Applicants to choose one species of the invention. Claims 1 and 27 are generic.

Applicants provisionally elect species of Group I (type of control of a sonic device). Thus, Applicants elect, with traverse, claims 2, 4-7, 17-18, 23, 25, 26, 28-30, 32-33, 35, 39, 43, and 45-46. Further, Applicants add claim 47 and submit that this claim is readable on the elected species of Group I.

The Office Action also indicates that the Applicants are required to elect one subspecies of each group of subspecies A-F. Applicants hereby elect subspecies and identify claims

readable thereon as indicated below. Applicants reserve the right to pursue any other claims in one or more related applications if the election of subspecies requirement is maintained.

(A) Subspecies A from the group of subspecies A1-A9 of the desired result.

The subspecies A1-A9 correspond to claims 3 and 31. Because claims 3 and 31 are cancelled as not readable on the elected species of Group I, it is Applicants' understanding that no election is needed for subspecies A.

(B) Subspecies B from the group of subspecies B1-B6 of the type of control property.

Applicants elect subspecies B6 (a mechanical occurrence) and identify amended claim 29 and new claim 47 as readable on this subspecies.

(C) Subspecies C from the group of subspecies C1-C8 of the type of transducer or sonic energy generation

The subspecies C1-C8 correspond to claims 10 and 34. Because claims 10 and 34 are cancelled as not readable on the elected species of Group I, it is Applicants' understanding that no election is needed for subspecies C.

(D) Subspecies D from the group of subspecies D1-D11 of the type of container

The subspecies D1-D11 correspond to claim 13. Because claim 13 is cancelled as not readable on the elected species of Group I, it is Applicants' understanding that no election is needed for subspecies D.

(E) Subspecies E from the group of subspecies E1-E2 of the type of treatment.

The subspecies E1-E2 correspond to claims 20, 21, 40, and 41. Because claims 20, 21, 40, and 41 are canceled as not readable on the elected species of Group I, it is Applicants' understanding that no election is needed for subspecies E.

(F) Subspecies F from the group of subspecies F1-F4 of the type of sonic energy alteration


Applicants elect subspecies F3 (intensity) and identify amended claims 30 and 39 as readable thereon.

CONCLUSION

Applicants respectfully request that the application now proceed promptly to examination. The Examiner is invited to contact the undersigned to discuss any outstanding issues.

Respectfully submitted,

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MARKED-UP COPY OF AMENDED CLAIMS

28. (Amended) The method of claim 27 [further] comprising the steps of sensing at least one condition to which the sample is subjected during processing and altering at least one of the sonic energy and the location of the sample in response to the at least one condition.
29. (Amended) The method of claim 28 wherein during the sensing step, the at least one condition is [selected from the group consisting of temperature, pressure, an optical property, an altered chemical, an acoustic signal, and] a mechanical occurrence.
30. (Amended) The method of claim 28 wherein during the altering step, [at least one characteristic of the sonic energy is altered, the at least one characteristic selected from the group consisting of waveform, duration of application, intensity, and duty cycle] intensity of the sonic energy is altered.
32. (Amended) The method of claim 27 [further] comprising the step of controlling temperature of the sample.
33. (Amended) The method of claim 27 [further] comprising the step of controlling pressure to which the sample is exposed.
39. (Amended) The method of claim 27 wherein during the controlling step, [at least one characteristic of the sonic energy is controlled, the at least one characteristic selected from the group consisting of wave form, duration of application, intensity, and duty cycle] intensity of the sonic energy is controlled.